

ENROLLED ORDINANCE 161-23

AMENDMENTS TO SECTIONS 5.04(E)(1)(H) AND 5.04(E)(2)(H) OF THE TEXT OF THE
TOWN OF SUMMIT ZONING CODE PERTAINING TO DRIVEWAY SETBACKS
IN THE R-3 TOWN RESIDENTIAL DISTRICT (ZT-1623)

WHEREAS the subject matter of this Ordinance having been approved by the Summit Town Board on March 2, 2006, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Ordinance amending the text of the Town of Summit Zoning Code, approved by the Town Board on August 12, 2003, pertaining to driveway setbacks in the R-3 Town Residential District, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (ZT-1623) is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Summit.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

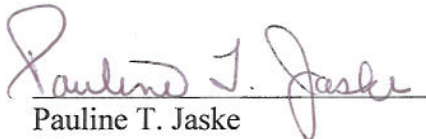
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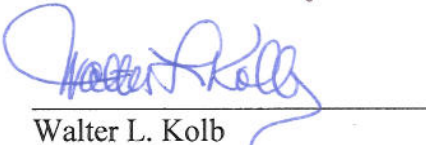
Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Absent
Keith Hammitt

Absent
Keith Harenda

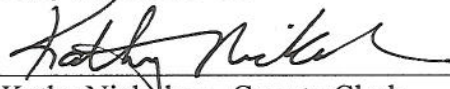

Pauline T. Jaske


Walter L. Kolb

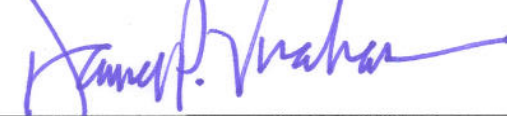
Vera Stroud
Vera Stroud


Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 7-28-06, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____
Date: 8/1/06, 
Daniel P. Vrakas, County Executive

ORDINANCE NO. 268-06

**AN ORDINANCE TO AMEND SECTIONS 5.04(E)(1)(h) AND 5.04(E)(2)(h) OF
THE TOWN OF SUMMIT ZONING CODE, RELATED TO
DRIVEWAY SETBACKS IN THE R-3 TOWN RESIDENTIAL DISTRICT IN
THE TOWN OF SUMMIT**

WHEREAS, Town staff has proposed that the Town of Summit Zoning Code be amended to modify the pavement setbacks required in the R-3 Residential District in order to better and more reasonably address the health, safety and welfare interest of the Town of Summit in this District; and

WHEREAS, pursuant to Section 12.03(B) of the Town of Summit Zoning Code, the Town Board of the Town of Summit has initiated the Zoning Amendment Procedures of the Town of Summit Zoning Code; and

WHEREAS, a public hearing was conducted by the Town Plan Commission of the Town of Summit on Jan 19, 2005, as required by Section 12.03(B)(5) of the Town of Summit Zoning Ordinance, upon due notice as required by Section 12.04 of the Town of Summit Zoning Ordinance; and

WHEREAS, the Town of Summit Plan Commission has recommended that the Zoning Ordinance be adopted; and

WHEREAS, the Town Board of the Town of Summit, having determined that all procedural requirements and notice requirements had been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such Zoning Amendment on the health, safety and welfare of the community, and the immediate neighborhood in which said Zoning Amendment will apply, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others hereby determine that the Zoning Amendment will not violate the spirit or intent of the Zoning Code for the Town of Summit, will not be contrary to the public health, safety or general welfare of the Town of Summit, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood.

NOW, THEREFORE, the Town Board of the Town of Summit, Waukesha County, Wisconsin, **DO ORDAIN AS FOLLOWS**:

SECTION 1: The Town of Summit Zoning Code, Section 5 entitled "District Regulations, subsection 5.04 entitled "Town Residential District (R-3)", subsection (E) entitled "Bulk

Regulations (R-3)", subsection 1 entitled "Standard Development Requirements",
subsection (h) is hereby repealed and recreated as follows:

5.04(E)(1)(h)

Minimum Pavement Setback

Ten feet from any side property line, except as follows. If the residence has a side entry garage, the setback from the side property line which the garage doors face shall be ten feet for the first thirty feet from the front property line and thereafter shall be three feet.

SECTION 2: The Town of Summit Zoning Code, Section 5 entitled "District Regulations, subsection 5.04 entitled "Town Residential District (R-3)", subsection (E) entitled "Bulk Regulations (R-3)", subsection 2 entitled "Conservation Development Requirements", subsection (h) is hereby repealed and recreated as follows:

5.04(E)(2)(h)

Minimum Pavement Setback

Ten feet from any side property line, except as follows. If the residence has a side entry garage, the setback from the side property line which the garage doors face shall be ten feet for the first thirty feet from the front property line and thereafter shall be three feet.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force

and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

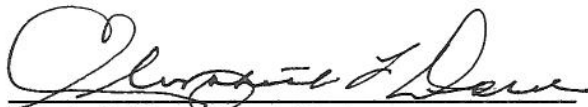
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 7 day of March, 2006.

TOWN OF SUMMIT


Leonard Susa, Town Chairperson

ATTEST:


Elizabeth Dow, Town Clerk

Published and/or posted this 6 day of April, 2006.

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/25/06

(ORD) NUMBER-1610026

1 K. HERRO.....AYE
3 T. ROLFS.....AYE
5 J. MARCHESE.....AYE
7 J. JESKEWITZ.....AYE
9 P. HAUKOHL.....AYE
11 K. HARENDA.....AYE
13 J. MORRIS.....
15 D. SWAN.....AYE
17 J. BEHREND.....AYE
19 W. MITCHELL.....AYE
21 W. KOLB.....AYE
23 J. TORTOMASI.....AYE
25 K. CUMMINGS.....AYE
27 D. PAULSON.....AYE
29 T. BULLERMANN.....
31 V. STROUD.....AYE
33 K. HAMMIT.....
35 P. MEYER.....AYE

2 R. THELEN.....AYE
4 R. HUTTON.....AYE
6 D. BROESCH.....AYE
8 J. DWYER.....AYE
10 S. WOLFF.....AYE
12 T. SCHELLINGER....AYE
14 A. KALLIN.....
16 R. STEVENS.....AYE
18 B. MORRIS.....AYE
20 P. WOLFF.....AYE
22 G. BRUCE.....
24 B. KRAMER.....AYE
26 F. RUF.....AYE
28 P. JASKE.....AYE
30 K. NILSON.....AYE
32 P. GUNDRUM.....AYE
34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-00

CARRIED ✓

DEFEATED

UNANIMOUS

TOTAL VOTES-30